

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

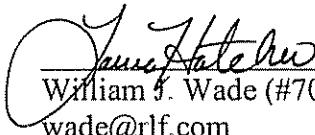
PERNOD RICARD USA, LLC,)
Plaintiff,)
v.) C.A. No. 06-505 (SLR)
BACARDI U.S.A., INC.,)
Defendant.)

**BACARDI U.S.A., INC.'S MOTION TO PRECLUDE
EXPERT TESTIMONY OF WALTER MCCULLOUGH**

Defendant Bacardi U.S.A., Inc. hereby moves to preclude the expert testimony of Walter McCullough pursuant to *Daubert v. Merrell Dow Pharm.*, 509 U.S. 579 (1993). The grounds for this Motion are fully set forth in Bacardi U.S.A., Inc.'s Opening Brief in Support of Its Motion to Preclude Expert Testimony of Walter McCullough and the Declaration of Michelle Graham, dated September 17, 2008, which were contemporaneously filed herewith.

Of Counsel:
Eugene D. Gulland
Oscar M. Garibaldi
COVINGTON & BURLING LLP
1201 Pennsylvania Avenue, N.W.
Washington, D.C. 20004
Telephone: (202) 662-6000
Facsimile: (202) 662-6291

William R. Golden, Jr.
KELLEY DRYE & WARREN LLP
101 Park Avenue
New York, NY 10178
Telephone: (212) 808-7800
Facsimile: (212) 808-7897



William J. Wade (#704)
wade@rlf.com
Anne Shea Gaza (#4093)
gaza@rlf.com
Laura D. Hatcher (#5098)
hatcher@rlf.com
Richards, Layton & Finger, P.A.
One Rodney Square
920 North King Street
Wilmington, DE 19801
Telephone: (302) 651-7700
Facsimile: (302) 651-7701
*Attorneys for Defendant
Bacardi U.S.A., Inc.*

Dated: September 17, 2008

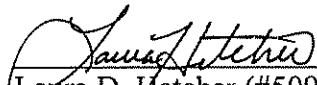
CERTIFICATE OF SERVICE

I hereby certify that on September 17, 2008, I caused to be served by HAND DELIVERY and ELECTRONIC MAIL the foregoing document and electronically filed the same with the Clerk of Court using CM/ECF which will send notification of such filing(s) to the following:

Jack B. Blumenfeld
Rodger D. Smith, II
Morris, Nichols, Arsh & Tunnell LLP
1201 N. Market Street
P.O. Box 1347
Wilmington, DE 19801

I hereby certify that on September 17, 2008, the foregoing document was sent via ELECTRONIC MAIL to the following non-registered participants:

Herbert F. Schwartz
Vincent N. Palladino
Pablo D. Handler
ROPES & GRAY LLP
1211 Avenue of the Americas
New York, NY 10036



Laura D. Hatcher (#5098)
hatcher@rlf.com